

**Before the
Federal Communications Commission
Washington, D.C. 20554**

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| In the Matter of |) | |
| |) | |
| Iowa Wireless Services, LLC, d/b/a i wireless |) | File No.: EB-SED-13-00012739 ¹ |
| |) | NAL/Acct. No.: 200832100024 |
| |) | FRN: 0002576874 |
| |) | |
| South Slope Cooperative Telephone Co., Inc., d/b/a South Slope Wireless |) | File No.: EB-SED-13-00012741 ² |
| |) | NAL/Acct. No.: 200832100023 |
| |) | FRN: 0002587863 |

ORDER

Adopted: October 27, 2014

Released: October 27, 2014

By the Chief, Enforcement Bureau:

1. We find that no forfeiture penalty should be imposed on Iowa Wireless Services, LLC, d/b/a i wireless (Iowa Wireless) or on South Slope Cooperative Telephone Co., Inc., d/b/a South Slope Wireless (South Slope) for previously identified apparent noncompliance with the Commission's hearing aid-compatible handset deployment rules. The Commission adopted the hearing aid compatibility rules to enhance the ability of consumers with hearing loss to access digital wireless telecommunications. Both Iowa Wireless and South Slope were required under the Commission's rules to offer consumers, by September 18, 2006, at least two digital wireless handset models per digital air interface that were certified as meeting at least a T3 rating.³ Both carriers failed to meet this deadline, claiming difficulty in securing compatible handset models from manufacturers, and they did not offer for sale the required number of handset models until March 22, 2007. Although both carriers filed petitions for waiver of the hearing aid-compatible handset deployment requirements in order to allow them additional time to comply, the Commission denied the waiver requests on February 27, 2008, and subsequently referred these matters to the Enforcement Bureau (Bureau) for investigation.⁴

2. In March 2008, the Bureau issued Notices of Apparent Liability for Forfeiture (*NALs*) to Iowa Wireless and to South Slope, proposing forfeitures of \$22,500 and \$15,000, respectively, for the carriers' apparent failure to offer the requisite number of hearing aid-compatible handset models during the 2006 reporting period.⁵ In each of the *NALs*, the Bureau provided Iowa Wireless and South Slope an

¹ The investigation initiated under EB-08-SE-111 was subsequently assigned File No. EB-SED-13-00012739. Any future correspondence with the Commission concerning this matter should reflect the new case number.

² The investigation initiated under EB-08-SE-110 was subsequently assigned File No. EB-SED-13-00012741. Any future correspondence with the Commission concerning this matter should reflect the new case number.

³ See 47 C.F.R. § 20.19(d)(2) (2006). In 2008, as part of a comprehensive reconsideration of the effectiveness of the hearing aid compatibility rules, the Commission made several changes to this and other rules. See *Amendment of the Commission's Rules Governing Hearing Aid-Compatible Mobile Handsets*, WT Docket No. 07-250, First Report and Order, 23 FCC Rcd 3406 (2008), Order on Reconsideration and Erratum, 23 FCC Rcd 7249 (2008).

⁴ See *Section 68.4(a) of the Commission's Rules Governing Hearing Aid-Compatible Telephones, Petitions for Waiver of Section 20.19 of the Commission's Rules*, Memorandum Opinion and Order, 23 FCC Rcd 3352 (2008).

⁵ See *Iowa Wireless Services, LLC dba i wireless*, Notice of Apparent Liability for Forfeiture, 23 FCC Rcd 4735 (Enf. Bur. 2008); *South Slope Cooperative Telephone Company d/b/a South Slope Wireless*, Notice of Apparent Liability for Forfeiture, 23 FCC Rcd 4706 (Enf. Bur. 2008). The *NALs* include a more complete recitation of the facts of each case and are incorporated herein by reference.

opportunity to show, in writing, why either no forfeiture or a lower forfeiture should be imposed for the apparent violations. Iowa Wireless and South Slope filed responses to the *NALs* on April 17, 2008, and May 5, 2008, respectively, and requested cancellation of the forfeitures.⁶ They also informed the Bureau that they had filed Petitions for Reconsideration of the Commission's denial of their waiver requests.⁷ On August 14, 2012, the Commission granted the Petitions for Reconsideration, and afforded Iowa Wireless and South Slope waivers of the handset requirement that ran through March 22, 2007, the date on which they offered the required number of compatible handset models.⁸

3. As the grant of the Petitions for Reconsideration effectively renders both Iowa Wireless and South Slope compliant with respect to their handset model offerings during the 2006 reporting period, we find that no forfeiture penalty should be imposed against them for violation of Section 20.19(d)(2) of the Commission's rules during that period.⁹

4. Accordingly, **IT IS ORDERED** that, pursuant to Sections 4(i) and 504(b) of the Communications Act of 1934, as amended,¹⁰ and Sections 0.111, 0.311, and 1.80 of the Commission's rules,¹¹ the forfeitures proposed in the *NALs* issued separately to Iowa Wireless Services, LLC, d/b/a i wireless, and to South Slope Cooperative Telephone Co., Inc., d/b/a South Slope Wireless, on March 21, 2008, and March 20, 2008, respectively, **WILL NOT BE IMPOSED**.

5. **IT IS FURTHER ORDERED** that a copy of this Order shall be sent by first class mail and certified mail, return receipt requested, to each of the captioned entities and their respective counsel of record.

FEDERAL COMMUNICATIONS COMMISSION

Travis LeBlanc
Chief
Enforcement Bureau

⁶ Iowa Wireless Response to Notice of Apparent Liability for Forfeiture (Apr. 17, 2008) (on file in EB-SED-13-00012739); South Slope Response to Notice of Apparent Liability for Forfeiture (May 5, 2008) (on file in EB-SED-13-00012741).

⁷ See *Section 68.4(a) of the Commission's Rules Governing Hearing Aid-Compatible Telephones*, WT Docket No. 01-309, Petition for Reconsideration by Iowa Wireless Services, LLC d/b/a i wireless (filed Mar. 26, 2008); *Section 68.4(a) of the Commission's Rules Governing Hearing Aid-Compatible Telephones*, WT Docket No. 01-309, Petition for Reconsideration by South Slope Cooperative Telephone Co., Inc. d/b/a South Slope Wireless (filed Mar. 27, 2008).

⁸ See *Section 68.4(a) of the Commission's Rules Governing Hearing Aid-Compatible Telephones, Petitions for Waiver of Section 20.19 of the Commission's Rules*, WT Docket No. 01-309, Order on Reconsideration, 27 FCC Rcd 9814 (2012).

⁹ 47 C.F.R. § 20.19(d)(2) (2006).

¹⁰ 47 U.S.C. §§ 154(i), 504(b).

¹¹ 47 C.F.R. §§ 0.111, 0.311, 1.80.